

March 3, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: System and method of providing purchase information to consumers relating to advertisements displaying the product

US File # **20020026353**

Filed: 12/22/2000

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020026353**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system using a database containing advertisements retained and maintained at the client level in cache or on disk (0008) in a client-server ad delivery system. This patent application relates to displaying advertising by matching voluntary user actions or initiating triggers (0010) Entering a trigger event into a browser locator window, makes a match with data in the remotely controlled and updated database and in the event a match is made, appropriate content or advertisement is displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

The abstract reads in part, "Purchase information about a product is provided by identifying products in a print advertisement in a print media source; obtaining purchase information about the product; sorting the product in a database; reproducing the print advertisement in an interactive media source; associating the information about the product to the reproduced advertisement in the interactive media source; and providing the information about the product."

Relevant Claims are #1, 34, 65, 85 and others in which the inventor refers displaying ads stored at the client level and displaying them based on triggering events.

I am objecting to this patent application as it is neither novel nor unique. It is of particular note that prior art submitted does not include references to systems that were commercially offered in 2001. The filers are correct that a targeted system based on interactive actions, voluntary user actions or other trigger events are more accurate and excels in its ability to deliver "relevant" ads at the

exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... equivalent technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998
3. WO9955066 (A1) or EP1076983 (A1) ... equivalent technology

There may be more prior art preceding the 12/22/2000 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.

The screenshot shows the Espacenet website interface in a Netscape browser window. The address bar displays a URL for patent CA2328913. The main content area shows the following details:

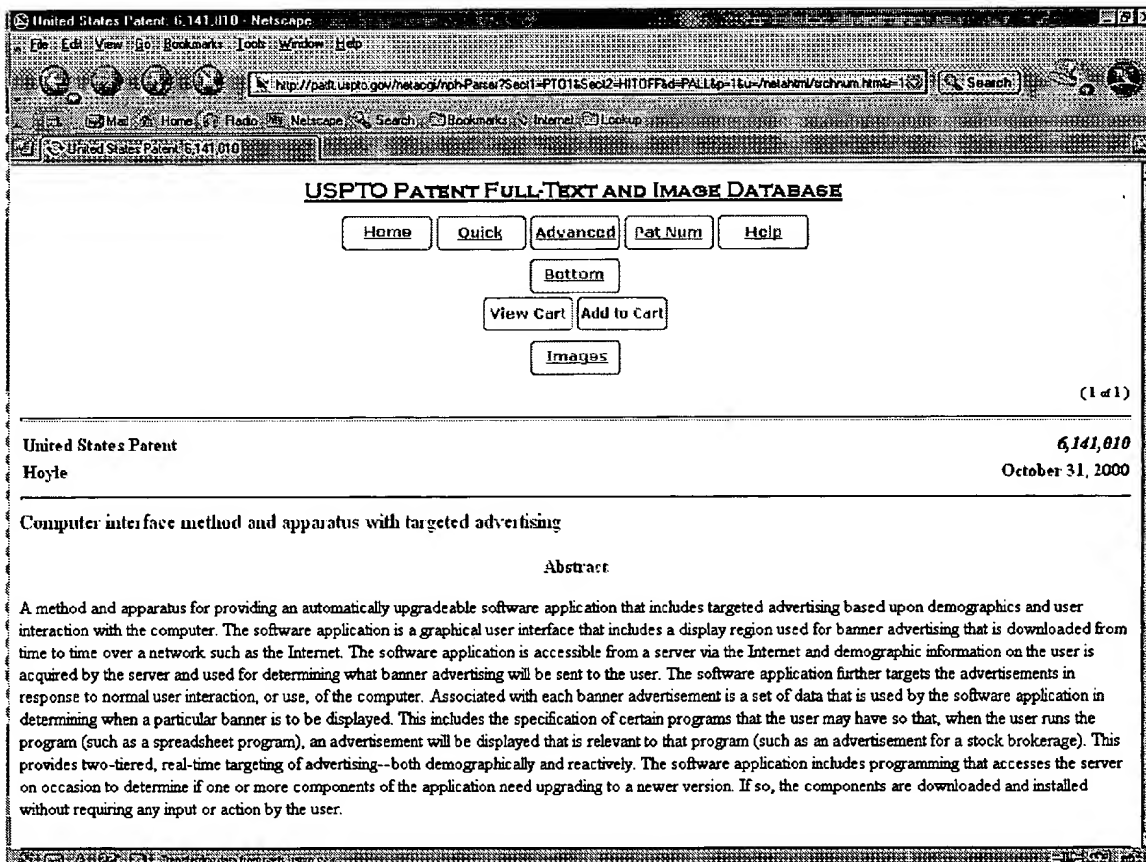
Bibliographic data	Description	Claims	INPADOC LEGAL status
Patent number:	CA2328913		
Publication date:	1999-10-28		
Inventor:	ZETMEIR KARL D (US)		
Applicant:	ZETMEIR KARL D (US)		
Classification:			
International:	H04M5/00		
European:			
Application number:	CA10002328913 19990111		
Priority number(s):	US19980052041 19980417, WO12001300107 19990419		

Also published as:

- WO9955066 (A1)
- EP1076983 (A1)

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



Claria - Corporate Overview - Overview - Netscape

File Edit View Go Backmarks Load Window Help

http://www.claria.com/companyinfo/ Search

Mail Home Radio Web Netscape Search Backmarks Internet Lookup

Claria - Corporate Overview - Overview

CLARIA

CORPORATE OVERVIEW

- CORPORATE OVERVIEW
 - Overview
 - History
 - Research
 - Management Team
 - Employment
- ADVERTISE
 - Advertising
 - Feedback Research
- PRODUCTS & SERVICES
 - Feedback Research
- CONTACT US

Overview

Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 300 Advertisers - including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads - boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Consolidated Capital.